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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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From

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HABANA

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Secretary of State,
Washington.

A-956, July 27th.

Reference Department's circular airgram July 21, 1949 concerning the delimitation of inland waters and marginal sea.

Embassy informed by Cuban lawyer that there is no law in Cuba which delimits or specifically defines Cuban inland waters or marginal sea. In his memorandum, lawyer continues as follows:

"The only statement under Cuban law in this connection is the Constitution which defines the territory of Cuba as follows:

"Article 3.- The territory of the Republic is made up by the Island of Cuba, the Isle of Pines, and the other adjacent islands and keys which with them were under the sovereignty of Spain until the ratification of the Treaty of Paris on December 10, 1898.

"The phrase 'and the other adjacent islands and keys' is probably what has led the plaintiff in the California case to state or include Cuba among the countries that 'specifically define their inland waters....as extending to their outermost islands....' That is correct. Cuba's inland waters and marginal sea are the waters three miles from the coast of the farthest island. In other words Cuba adheres strictly to the classical international law rule of the three mile limit.

"On September 28, 1945, President Truman issued a proclamation affirming United States jurisdiction to the natural

RESTRICTED

RESTRICTED

- 2 -

Habana, A-956

natural resources on the continental shelf adjacent to the United States and under the sea. On October 29, 1945 President Avila Camacho of Mexico issued a proclamation also affirming Mexican jurisdiction to the continental shelf adjacent to the Mexican coast and included therein the limits of fishing by foreign vessels.

"There have been numerous incidents between Cuba and Mexico on this fishing matter and toward the end of the year 1946, Senator Diaz Pardo introduced a bill in the Cuban Senate amending the Constitution to extend Cuba's sovereignty to Cuba's insular shelf, the purpose being to offset Mexico's proclamation on the continental shelf. Over two years have elapsed and nothing further has been heard of this matter which never reached the floor of the Senate.

"The matter was discussed at the 1947 meeting of the Cuban Society of International Law by Dr. Gustavo Gutierrez in a paper in which he opposed the change in Cuba's delimitation of its territorial waters and cited many authors, including Hackworth to show that the three mile limit was still the majority accepted rule."

The Embassy is asking the Ministry of State for the information requested by the Department.

693

CJWarner/csa

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